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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,756	09/10/2003	Edward Nathan Koppelman Cornillon	MS#302666.01 (S063)	3479
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SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			EXAMINER SIKRI, ANISH	
			ART UNIT 2143	PAPER NUMBER
			NOTIFICATION DATE 06/20/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/659,756

Applicant(s)

CORNILLON ET AL.

Examiner

Anish Sikri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/10/2003, 1/26/2006, 2/3/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 1/26/2006, 2/03/2006, 9/10/2006 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **1, 5, 6, 14, 21**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickens et al (US Pat 6,549,966), in view of Silverman et al (US Pat 6,370,603).

Consider **Claim 1**, Dickens et al clearly discloses apparatus comprising: first and second connectors, each of said connectors being adapted for connection to a computer (Dickens et al, Col 2, Lines 1-15); a communications router operatively situated between the connectors (Dickens et al, Col 2, Lines 1-15, Lines 27-40); a nonvolatile memory operatively situated between the connectors (Dickens et al, Col 3 Lines 61-67).

But Dickens et al fails to disclose memory storing a driver for the communications router and a software load to be installed on a computer to which either the first connector or the second connector is connected.

Nonetheless, Silverman et al discloses the memory storing a driver for the communications router and a software load to be installed on a computer to which either the first connector or the second connector is connected (Silverman et al, Col 5 Lines 55-65, Col 9 Lines 16-18, Col 10, Lines 14-25). Silverman et al's invention clearly shows on the use of storing a driver of the controller in a memory. Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to use the software drivers stored in nonvolatile memory, taught by Silverman et al in

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the apparatus of Dickens et al, for the purpose of installing software/driver of the USB device when it is connected between the computer(s).

Consider **Claim 5**, and as applied to claim 1 above, Dickens et al as modified by Silverman et al, clearly disclose the connectors comprise universal serial bus (USB) connectors (Dickens et al, Col 1, Lines 1-10, 10-30). Dickens et al clearly shows that connectors connecting computer devices and peripherals have USB connectors.

Consider **Claim 6**, and as applied to claim 1 above, Dickens et al as modified by Silverman et al, clearly discloses the communications router causes the communications router to appear as a USB network connection to a computer to which either the first connector or the second connector is connected (Dickens et al, Col 2, Lines 1-15, Lines 27-40).

But Dickens et al clearly fails to disclose the use of a "driver" which helps in facilitating the use of a "communications router causes the communications router to appear as a USB network connection to a computer to which either the first connector or the second connector is connected".

Nonetheless, Silverman et al clearly discloses a driver, which helps in facilitating the use of a "communications router causes the communications router to appear as a USB network connection to a computer to which either the first connector or the second connector is connected" (Silverman et al, Col 9 Lines 16-18, Col 10, Lines 14-25).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use of a driver, taught by Silverman et al in the apparatus of Dickens et al, for the purpose of facilitating the proper function of communication router with its peripherals and computers which it is connected to.

Consider **Claim 14**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method the driver (Silverman et al, Col 5 Lines 55-65, Col 9 Lines 16-18, Col 10, Lines 14-25) for the communications router causes the communications router to appear as a USB network connection to the computers (Dickens et al, Col 2, Lines 1-15). It clearly shows on how the system/computer communicates with the USB device with the aid of a device driver.

Consider **Claim 21**, and as applied to claim 20 above, Dickens et al as modified by Silverman et al, in further view of Usui et al discloses the driver (Silverman et al, Col 5 Lines 55-65, Col 9 Lines 16-18, Col 10, Lines 14-25) for the communications router causes the communications router to appear as a universal serial bus (USB) network connection to a computer (Dickens et al, Col 2, Lines 1-15, Col 3, Lines 61-67). It clearly shows on how the system/computer communicates with the USB device with the aid of a device driver.

Claims **2, 3, 4, 7, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 22, 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickens et al (US Pat 6,549,966), and in view of Usui et al (US Pub 2003/0061285).

Consider **Claim 2**, and as applied to claim 1 above, Dickens et al as modified by Silverman et al discloses the use of transfer files from a computer to which first connector is connected to another computer to which the second connector is connected (Dickens et al, Col 1 Lines 25-30).

But Dickens et al as modified by Silverman et al fails to disclose software load comprises a user interface for guiding a user to transfer files.

Nonethelss, Usui et al clearly discloses the software load comprises a user interface for guiding a user to transfer files (Usui et al, Page 4, [0083]). Usui et al's invention clearly shows the use of user interface on the software.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use of a user interface loaded with the software application, taught by Usui et al in the apparatus of Dickens et al, as modified by Silverman et al, for the purpose of user driven data transfers between multiple computer(s).

Consider **Claim 3**, and as applied to claim 2 above, Dickens et al as modified by Silverman et al, in view of Usui et al clearly shows the software load comprises a setup program for installing the user interface (Usui et al, Page 4, [0083]). Usui et al's invention clearly shows an example of automatic software program installation.

Consider **Claim 4**, and as applied to claim 1 above, Dickens et al as modified by Silverman et al, fails to disclose the software load comprises a game.

Nonetheless, Usui et al clearly discloses the software load comprises a game (Usui et al, Page 8, [0142]). Usui et al invention clearly shows that an application can be part of a computer game.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use of a software load comprising of a video game, taught by Usui et al in the apparatus of Dickens et al, as modified by Silverman et al, for the purpose installation software from the devices which can also contain a computer game.

Consider **Claim 7**, and as applied to claim 1 above, Dickens et al as modified by Silverman et al, fails to disclose the nonvolatile memory appears as an autorun device to a computer to which either the first connector or the second connector is connected.

Nonetheless, Usui et al clearly discloses on how the nonvolatile memory appears as an autorun device to a computer to which either the first connector or the second

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connector is connected (Usui et al, Page 4, [0083]). It clearly shows a non-volatile memory can be a CD-ROM.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use of a CD-ROM device which uses a non-volatile memory (CD), taught by Usui et al in the apparatus of Dickens et al, as modified by Silverman et al, for the purpose of automatically loading up software when a USB based CDROM is connected to the computers or USB peripherals.

Consider **Claim 9**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al discloses the method which initiates the autorun function includes permitting the nonvolatile memory to be detected as a new hardware device (Usui et al, Page 4, [0083]). The invention clearly shows on the peripheral is automatically detected when connected to a computer/system via USB.

Consider **Claim 10**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al discloses the method in which the setup software (Usui et al, Page 4, [0083]) comprises a user interface for guiding a user to transfer files between the two computers (Dickens et al, Col 1 Lines 25-30). It clearly shows on how the setup software helps in facilitating transfer of data between two computers.

Consider **Claim 11**, and as applied to claim 10 above, Dickens et al as modified by Silverman et al, in further view of Usui et al discloses method in which the setup software comprises an installer for installing the user interface (Usui et al, Page 4, [0083]). Usui et al clearly shows that the setup software contains a user interface, which is used for operation and facilitating of communication with the USB peripherals.

Consider **Claim 12**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method of using the user interface (Usui et al, Page 4, [0083]) comprises a migration utility (Usui et al, Page 4, [0083]) for guiding the user to migrate files from one of the computers to the other one of the computers via the communications router (Dickens et al, Col 1 Lines 25-30). It clearly shows on the use of software, which aids in transferring of data between computers via the USB communication device.

Consider **Claim 13**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method comprising operatively situating the nonvolatile memory and the communications router between a pair of universal serial bus (USB) connectors (Dickens et al, Col 1 Lines 25-30, Lines 27-40), and wherein operatively connecting the nonvolatile memory (Dickens et al, Col 3 Lines 61-67) and the communications router includes connecting the USB connectors to corresponding USB ports on the computers (Dickens et al, Col 3, Lines 61-67). It

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clearly shows on how the peripheral is connected to computer systems via the use of USB.

Consider **Claim 15**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method wherein initiating the autorun function comprises showing the nonvolatile memory as a CD-ROM device to the computers (Usui et al, Page 4, [0083]). It clearly shows a non-volatile memory can be a CD-ROM, which is initiated and run automatically when the USB device is connected to the computer/system.

Consider **Claim 16**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method comprising communicating between the computers via the communications router (Dickens et al Col 2, Lines 1-15, Lines 27-40). It clearly shows on communication usage of the USB peripheral when connected to the computer(s).

Consider **Claim 17**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method initiating the autorun function (Usui et al, Page 4, [0083]) and loading the driver (Silverman et al, Col 5 Lines 55-65, Col 9 Lines 16-18, Col 10, Lines 14-25) is performed using plug and play technology (Silverman et al, Col 10, Lines 31-35). It clearly shows on how the device is

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configured via the driver automatically when it is connected to the system via the USB connectors.

Consider **Claim 18**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method comprising timing out after a predetermined period of time if a connection to only one of the computers is detected (Dickens et al, Col 2 Lines 48-53). It clearly shows on there is a timeout function built in the USB device when connection is broken between the device and system.

Consider **Claim 19**, and as applied to claim 8 above, Dickens et al as modified by Silverman et al, in further view of Usui et al disclose the method of one or more computer-readable media have computer-executable instructions (Silverman et al, Col 11, Lines 10-19) and (Usui et al, Page 4, [0083]). It clearly shows on the usage of software/drivers contained in a computer-readable media for USB device operation use.

Consider **Claim 22**, and as applied to claim 20 above, Dickens et al as modified by Silverman et al, in further view of Usui et al discloses the setup program resides on a nonvolatile memory (Dickens et al, Col 3 Lines 61-67) and further comprising autorun information for identifying the nonvolatile memory as a CD-ROM device for automatically launching the setup program (Usui et al, Page 4, [0083]). It clearly shows

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a non-volatile memory can be a CD-ROM, which is initiated and run automatically when the USB device is connected to the computer/system.

Consider **Claim 23**, and as applied to claim 20 above, Dickens et al as modified by Silverman et al, in further view of Usui et al discloses wherein the user interface (Usui et al, Page 4, [0083]) comprises a migration utility (Usui et al, Page 4, [0083]) for guiding the user through a file migration (Dickens et al, Col 1 Lines 25-30). It clearly shows on the use of software, which aids in transferring of data between computers via the USB communication device.

Claims **8, 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickens et al (US Pat 6,549,966), in view of Silverman et al (US Pat 6,370,603) and in further view of Usui et al (US Pub 2003/0061285).

Consider **Claim 8**, Dickens et al clearly discloses the method of performing a computer setup comprising: operatively connecting a communications router and a nonvolatile memory between two computers (Dickens et al, Col 2, Lines 1-15, Col 3, Lines 61-67);

But Dickens et al fails to disclose the method of initiating an autorun function by at least one of the computers; loading a driver for the communications router to at least one of the computers in response to the autorun function, said driver residing in the nonvolatile memory; installing setup software to at least one of the computers via the communications router, said setup software also residing in the nonvolatile memory.

Nonetheless, Silverman et al clearly discloses the method of loading a driver for the communications router to at least one of the computers and the said driver residing in the nonvolatile memory (Silverman et al, Col 5 Lines 55-65, Col 9 Lines 16-18, Col 10, Lines 14-25). Silverman et al's invention clearly shows on the use of storing a driver of the controller in a nonvolatile memory.

And, Usui et al clearly shows on the method of initiating an autorun function by at least one of the computers and installing setup software to at least one of the computers via the communications router, said setup software also residing in the nonvolatile

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memory (Usui et al, Page 4, [0083]). Usui et al's invention clearly shows the use of setup software.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use the software drivers stored in nonvolatile memory, taught by Silverman et al, along with use of autorun function with setup software, taught by Usui et al, in the method of Dickens et al, for the purpose of installing drivers and setup software automatically when the USB device is connected to the computer(s).

Consider **Claim 20**, Dickens et al discloses the use of communication router (Dickens et al, Col 2, Lines 1-15, Lines 27-40). It shows the usage of USB communication device.

But Dickens et al fails to disclose one or more computer-readable media comprising: a driver for a communications router.

Nonetheless, Silverman et al discloses the one or more computer-readable media comprising: a driver for a communications router (Silverman et al, Col 5 Lines 55-65, Col 9 Lines 16-18, Col 10, Lines 14-25, Col 11, Lines 10-19).

Dickens et al fails to disclose the use of a a user interface for guiding a user to transfer files from one computer to another computer via the communications router; and a setup program for automatically installing the user interface.

Nonetheless, Usui et al discloses the use of a user interface for guiding a user to transfer files (Usui et al, Page 4, [0083]) from one computer to another computer via the communications router; and a setup program for automatically installing the user

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interface (Usui et al, Page 4, [0083]). Usui et al's invention clearly shows the use of setup software.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use the software drivers stored in a media, taught by Silverman et al, along with use of setup program, taught by Usui et al, in the media used by Dickens et al, for the purpose of installing drivers and setup software automatically when the USB device is connected to the computer(s).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anish Sikri whose telephone number is 571-270-1783. The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AS
Anish Sikri
June 4, 2007


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